



# TOWN OF KITTERY, MAINE

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1329 Fax: (207) 439-6806

February 23, 2015

Kittery Town Council  
Requested by Chairperson Jeffrey Thomson  
Special Meeting Agenda  
6:00 p.m.

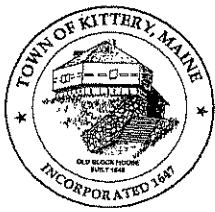
Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. EXECUTIVE SESSION

(020215-1) The Kittery Town Council moves to go into executive session in accordance with M.R.S. 36 §841 (2) (E) to consider an application for a hardship abatement due to poverty or infirmity,

6. ADJOURNMENT

Posted: February 19, 2015



# TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1329 Fax: (207) 439-6806

## Workshop

6:30 p.m.

The Town Council will meet with the Town Manager and the auditors to review the FY'14 Audit.

February 23, 2015

Council Chambers

Kittery Town Council  
Regular Meeting  
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes – 2/11/15 Special Meeting and 2/11/15 Regular Meeting
8. Interviews for the Board of Appeals and Planning Board

Planning Board: (to fill an unexpired term until 11/30/16)

- Paul E. Lucy
- Matt Brock
- Deborah Lynch

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

### 10. PUBLIC HEARINGS

a. (020215-1) The Kittery Town Council moves to hold a public hearing on an application of BNKittery LLC, 74 State Road, Suite 205, Kittery for a Victualer's License for The Farm Bar & Grille, 57 State Road.

b. (020215-2) The Kittery Town Council moves to hold a public hearing in accordance with Section 6.09 (4) of the Kittery Town Charter, to transfer funds among capital accounts associated with the repayment of the 2010 fire truck purchase.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

b. (020215-2) The Kittery Town Council moves to accept the resignation of Thomas Battcock Emerson from the Planning Board.

c. (020215-3) The Kittery Town Council moves to approve an application from BNKittery LLC, 74 State Road, Suite 205, Kittery for a Malt, Spirituous and Vinous Liquor License for The Farm & Grille, 57 State Road.

d. (020215-4) The Kittery Town Council moves to approve an application from Loco Coco's Tacos Corp., 36 Walker Street for a Malt, Spirituous and Vinous Liquor License for Loco Coco's Tacos, 36 Walker Street.

- e. (020215-5) The Kittery Town Council moves to approve the disbursement warrants.

f. (020215-6) The Kittery Town Council moves to authorize the Town Manager to enter into a purchase and sale agreement with the Maine Turnpike Authority to purchase land, for a price not to exceed \$1,500, to facilitate the Sewer Extension Project.

14. COUNCILOR ISSUES OR COMMENT

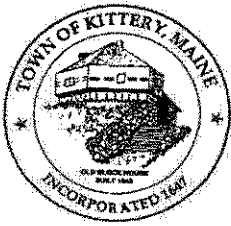
15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: February 19, 2015



## TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

[ncolbertpuff@kitteryme.org](mailto:ncolbertpuff@kitteryme.org)

Nancy Colbert Puff  
Town Manager

### Town Manager's Report to the Town Council February 23, 2015

1. **Kittery Community Center (KCC) Flooding** – We have finalized an approach to fix the installation problems with the unit ventilators at the KCC. Each of the 9 units will require a new insulated sleeve be attached to the unit to the air intake vent to limit exposure of the unit to cold air, and each will be properly sealed to guard against any additional infiltration. We are obtaining a cost estimate for this solution. The architect and mechanical engineer, as well as the KCC's HVAC maintenance contractor, have been extremely helpful in determining this course of action. After a cost is determined, we hope to also identify a funding source to implement this recommendation.
2. **New Hires** – We have filled both the Utility Billing Bookkeeper/Assistant Tax Collector and the Assistant Planner positions. Jan Fisk, long-time assistant to the Planning Board, Board of Appeals, and Port Authority, has accepted our offer in the finance division, and has begun work. Elena Piekut, currently a planner in Ellsworth, will join the Planning and Code Enforcement team, and will start in early March.
3. **Portsmouth Naval Shipyard (PNSY) Traffic Issues** – We have inquired of DOT about the possibility of a traffic signal at Goodsoe and Rogers Road, and their response is that this location does not appear meet warrant requirements, which are based upon volume and turning movements. Generally speaking, there would have to be nearly 100 left turns per hour for several hours during the day to meet this standard. I have reached out to the Shipyard to schedule their attendance at a Council meeting in March.
4. **"Sensitivity Training" for Boards and Commissions** – At Councilor Denault's request, I have scheduled Margie Berkovich to speak to our Boards and Commissions on March 19<sup>th</sup> at 6:30 pm. I have attached her biography to my report. She is aware of the circumstances that led to the request for training. I will send out a notice to all Chairpersons.
5. **Athletic Fields Master Plan** – The kick-off meeting that took place on February 10th is being rebroadcast regularly at 8 pm (Sun., Tues., Wed., Fri., and Sat.) on Channel 22 this week.
6. **Public Works Snow Removal Costs** – I will have an estimate of our snow removal costs for the Council's next meeting.

As always, if you have any questions or concerns prior to Monday's evening's meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,

Nancy Colbert Puff

## Biography

Margie Berkovich, Detective  
Office of the Attorney General  
Investigation Division

Margie Berkovich has been a sworn law enforcement officer for more than thirty years. She has worked as a detective for the Maine Attorney General's Office since graduating from law school. Her investigative responsibilities have included both criminal and civil investigations including financial crimes, use of force investigations and election/voter fraud cases. She is responsible for civil rights enforcement, including investigation, managing the Civil Rights Officer Program for the Attorney General's Office, and coordinating civil rights investigations with municipal, county, and state law enforcement agencies. She is an instructor with the Maine Criminal Justice Academy, and has developed, implemented, and coordinated training programs for Maine's law enforcement community. She instructs in the areas of civil rights including the 1<sup>st</sup> Amendment, criminal law, laws of evidence, civil liability, 4<sup>th</sup> Amendment (Seizure of Persons), constitutional law, criminal investigation, and report writing. She has also been an adjunct professor and a speaker on a number of 1<sup>st</sup> Amendment topics confronting police departments and town governments in the State of Maine.

## UNAPPROVED MINUTES

February 11, 2015

Kittery Town Council  
Special Meeting  
Requested by Jeffrey Thomson, Chair

Council Chambers

1. CALL TO ORDER: Chairperson Thomson called the meeting to order at 6:30 p.m.
2. INTRODUCTORY: Chairperson Thomson read the introductory.
3. PLEDGE OF ALLEGIANCE: Chairperson Thomson led those present in the Pledge of Allegiance.
4. ROLL CALL: Answering the roll were Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier, Russell White, Judy Spiller and Chairperson Jeffrey Thomson. Councilor Lemont was absent .
5. EXECUTIVE SESSION:

a. (120114-1) The Kittery Town Council moves to go into executive session, with the Town Manager in accordance with 1 M.R.S. §405 (6) D, to discuss labor negotiations.

**IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR SPILLER TO GO INTO EXECUTIVE SESSION AT 6:32 P.M. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 6-0.**

**IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR WHITE TO COME OUT OF EXECUTIVE SESSION AT 6:50 P.M. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 6-0.**

6. ADJOURNMENT:

**IT WAS MOVED BY CHAIRPERSON THOMSON AND SECONDED BY COUNCILOR PELLETIER TO ADJOURN THE MEETING AT 6:52 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 6-0.**

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

February 11, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier and Judy Spiller.

5. Agenda Amendment and Adoption –

Chairperson Thomson stated he wanted to add Item C under New Business to support the direction of the bid recommendation by Kleinfelder dated January 30, 2015 relative to the sewer extension project. Chairperson Thomson stated he would also like to add Item D under New Business to appoint Bruce Crawford to the Kittery Port Authority for a term ending October 8, 2015. Councilor Spiller stated she would like to add Item E under New Business to appoint Peter Walsh to the Kittery Port Authority to fill the unexpired term of Dan Arbo for a term ending August 31, 2018.

6. Town Manager's Report –

Town Manager Puff stated Council would be receiving a report on the sewer extension project that evening.

Town Manager Puff noted they were looking into why the pipe burst at the KCC and it looked like the installation was faulty.

Town Manager Puff indicated relative to the Kittery Foreside Committee that the original committee was disbanded by Council in 2005 and it did not seem that any real board had existed. She continued that the committee would now be put in the hands of the Planning Board.

## UNAPPROVED MINUTES

Town Manager Puff noted relative to traffic issues, that she had met again with the Navy Yard and SMPDC relative to all transportation issues. She continued the Navy Yard was conducting a study relative to traffic issues and would be coming before Council to give a report.

Town Manager Puff stated that the program for inclement weather that the Fire Department had put together was working well and the Department was doing wellness checks on residents who requested it. She continued residents should be assured that the police and fire departments would respond no matter what the conditions.

Town Manager Puff stated they had held the first meeting relative to the athletic field master plan and it had went very well. She noted that those meetings would be broadcasted on Channel 22.

### 7. Acceptance of Previous Minutes –1/28/15

The minutes of 1/28/15 were held in abeyance pending further clarification.

### 8. Interviews for the Board of Appeals and Planning Board – None

### 9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

The Kittery Town Council moves to receive an update from the Superintendent of Sewer Services on the sewer extension project.

George Kathios, Superintendent of Sewer Services, came to the podium and stated they had only received three competitive bids on the project and that all had come in over budget. He continued they had gone back to Sargent Corporation to negotiate to try to get the bid lowered. Mark Thompson of Kleinfelder came to the podium and explained how they had renegotiated the bid to get the project on budget. He continued they had went over the options as to how to get the bid in budget and they had come to the conclusion to eliminate a portion of the project on Stevenson Road. Mr. Thompson stated that nine customers would be affected but that it was anticipated that they would be able to finish that section of the project at the end. Mr. Thompson explained the actual numbers and the contingency that needed to be set aside for any unforeseen circumstances. He noted they should be able to finish the part of the project they suspended with the contingency funds. Mr. Thompson noted they recommended that a separate notice be issued prior to starting the work on the suspended portion of the project. Chairperson Thomson asked what action they were looking for from Council. Town Manager Puff responded they would like Council to act on the direction of the project. Councilor Dennett noted they needed to be careful of unforeseen difficulties that might come up by excluding some properties.

### 10. PUBLIC HEARINGS - None



## UNAPPROVED MINUTES

61

62 11. Discussion

63 a. Discussion by members of the public – None

64 b. Response to public comment directed at a particular Councilor – None

65 c. Chairperson's response to public comments – None

66 12. UNFINISHED BUSINESS – None

67 13. NEW BUSINESS

68 a. Donations/gifts received for Council disposition - None

69 b. (020115-1) The Kittery Town Council moves to approve the disbursement warrants.

70 **CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT**  
71 **WARRANTS, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR.**  
72 **MOTION PASSES 6/0.**

73 c. The Kittery Town Council moves to support the direction of the bid recommendation  
74 by Kleinfelder dated January 30, 2015 relative to the sewer extension project.

75 **CHAIRPERSON THOMSON MOVED TO SUPPORT THE DIRECTION OF THE**  
76 **BID RECOMMENDATION BY KLEINFELDER DATED JANUARY 30, 2015**  
77 **RELATIVE TO THE SEWER EXTENSION PROJECT, SECONDED BY COUNCILOR**  
78 **PELLETIER.**

79 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
80 **6/0.**

81 d. The Kittery Town Council moves to appoint Bruce Crawford to the Kittery Port  
82 Authority for a term ending October 8, 2015.

83 **CHAIRPERSON THOMSON MOVED TO APPOINT BRUCE CRAWFORD TO**  
84 **THE KITTEY PORT AUTHORITY FOR A TERM ENDING OCTOBER 8, 2015,**  
85 **SECONDED BY COUNCILOR WHITE.**

86 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**  
87 **6/0.**

88 e. The Kittery Town Council moves to appoint Peter Walsh to the Kittery Port Authority  
89 to fill the unexpired term of Dan Arbo for a term ending August 31, 2018.

## UNAPPROVED MINUTES

**COUNCILOR SPILLER MOVED TO APPOINT PETER WALSH TO THE KITTERY PORT AUTHORITY TO FILL THE UNEXPIRED TERM OF DAN ARBO FOR A TERM ENDING AUGUST 31, 2018, SECONDED BY COUNCILOR WHITE.**

Councilor Dennett stated that it was his understanding that Mr. Walsh was a part-time employee of the Town and that he objected to having employees serve on Town boards. Chairperson Thomson indicated that he agreed with Councilor Dennett.

**COUNCILOR DENAULT MOVED TO POSTPONE ACTION UNTIL THE APPOINTMENT REVIEW COMMITTEE'S REPORT WAS RECEIVED AND ACTED ON, SECONDED BY COUNCILOR SPILLER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.**

### 14. COUNCILOR ISSUE OR COMMENT

Councilor Denault asked the Town Manager to get some clarification on who was in charge of determining whether school was going to be cancelled during inclement weather. He continued in the past, the superintendent had contacted the police chief but now was contacting the highway superintendent. Town Manager Puff responded that she would get clarification on the issue.

### 15. COMMITTEE AND OTHER REPORTS

#### a. Communications from the Chairperson

Chairperson Thomson stated they would be holding a workshop with the Eliot Board of Selectman on March 2<sup>nd</sup> at 5:30 P.M. in Eliot.

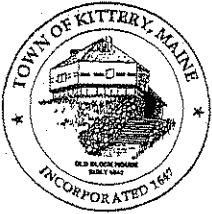
Chairperson Thomson stated they would be holding a working on March 16<sup>th</sup> relative to the potential bond issue for the June ballot.

#### b. Committee Reports – None

### 16. EXECUTIVE SESSION – None

### 17. ADJOURNMENT

**COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MEETING ADJOURNED AT 7:55 P.M.**



OFFICE OF THE TOWN CLERK  
**TOWN OF KITTERY, MAINE**

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 439-0452 Fax: (207) 439-6806  
website: [www.kittery.org](http://www.kittery.org)

RECEIVED  
OCT 07 2014

BY: 1:35pm

**APPLICATION FOR APPOINTMENT TO TOWN BOARDS**

NAME: PAUL E. LUCY  
RESIDENCE: 2 Wheelhouse Way, Kittery Pt., ME 03905  
MAILING (if different) —  
E-MAIL ADDRESS: P. Lucy 616@gmail.com PHONE #: (Home) 207 439 1116 (Work) —

**Please circle your choices and list in order of priority by marking 1,2,3, etc.:**

- |  |  |
|--|--|
| <input type="checkbox"/> Board of Appeals                      | <input type="checkbox"/> Board of Assessment Review              |
| <input type="checkbox"/> Conservation Commission               | <input type="checkbox"/> Mary Safford Wildes Trust               |
| <input checked="" type="checkbox"/> Economic Development Comm. | <input type="checkbox"/> Shellfish Conservation Committee        |
| <input type="checkbox"/> Recycling Scholarship Selection Comm. | <input type="checkbox"/> Community Center Bldg. Comm./Rec. Comm. |
| <input type="checkbox"/> Parks Commission                      | <input type="checkbox"/> Open Space Committee                    |
| <input type="checkbox"/> Port Authority                        | <input checked="" type="checkbox"/> Planning Board               |
| <input checked="" type="checkbox"/> Personnel Board            | Other <u>—</u>   |

EDUCATION/TRAINING: See Attached  
RELATED EXPERIENCE (Including other Boards and Commissions) NONE

PRESENT EMPLOYMENT: Recently Retired - See Attached

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY?: ☒ Yes ☐ No

ANY KNOWN CONFLICT OF INTEREST: No

REASON FOR APPLICATION TO THIS BOARD: Just now have the time to devote to town affairs.

I HAVE /HAVE NOT X ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Paul E. Lucy  
SIGNATURE OF APPLICANT

10-7-14  
DATE

## Paul E. Lucy

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Paul Lucy is the former owner and general manager of Southport Printing Company (formally Sir Speedy Printing), a business he established in 1993 in Portsmouth, NH. He sold the business to his manager in April, 2014.

Before becoming an independent business owner, he had a broad background in general management and senior level marketing, financial, and administrative positions.

In the 1980's and early 90's, he was a senior business executive with the New York office of Leber Katz Partners and its successor company, Foote, Cone & Belding, one of North America's largest advertising/marketing communications companies. As EVP, Chief Administrative Officer, he had executive responsibility for finance, human resources, information systems, legal affairs, and real estate. During 1991 he was CEO of Albert Frank-Guenther Law, FCB's Wall Street financial services advertising/public relations agency, preparing that entity for a profitable divestiture, which took place in early 1992.

During a ten-year period at PepsiCo, Inc., Mr. Lucy served with the PepsiCo Foods International Division, for three years as President, Frito Lay of Canada and two years as President, Frito Lay of Puerto Rico. Other PepsiCo positions included international general management and domestic senior marketing and sales management positions with the company's North American Van Lines household goods and commercial trucking divisions.

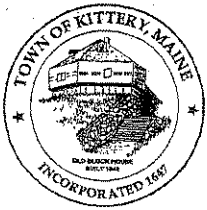
Earlier he moved through the ranks of General Foods Corporation: beginning as a Senior Brand/Financial Analyst and then Brand Manager for both new products development and established brands; and ultimately Marketing Manager for GF's fast food restaurant company.

His business career began with three years at the Boston office of Price Waterhouse & Co., where he supervised audits in a wide variety of industries and performed special assignments for the firm's management advisory services group.

He is an honors graduate of the School Management at Boston College and holds an MBA in finance from Columbia University. He served in the U.S. Marine Corps for three years as an infantry platoon leader and regimental intelligence and operations officer.

As a business owner, Mr. Lucy's community involvement included memberships in five seacoast area Chambers of Commerce. He is an active member of the Portsmouth Rotary Club with past service on both its donations and scholarship committees.

He and his wife Marion reside in Kittery Point, Maine. They are parents of three grown children all of whom are following diverse business and professional careers.



# TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904

Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED  
NOV 12 2014

BY: 9:30 AM

## APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Matt Brock

RESIDENCE: 50 Goodwin Rd Kittery Pt, ME 03905

MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: MATBROCK1@COMCAST.NET PHONE #: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

207 752 2223

**Please check your choices and list in order of priority by marking 1,2,3, etc.:**

- |  |   |
|--|---|
| <input type="checkbox"/> Board of Appeals                          | <input type="checkbox"/> Board of Assessment Review       |
| <input type="checkbox"/> Conservation Commission                   | <input type="checkbox"/> Mary Safford Wildes Trust        |
| <input type="checkbox"/> Comprehensive Plan Update Committee       | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Recycling Scholarship Selection Committee | <input type="checkbox"/> Economic Development Committee   |
| <input type="checkbox"/> Parks Commission                          | <input type="checkbox"/> Open Space Committee             |
| <input type="checkbox"/> Port Authority                            | <input checked="" type="checkbox"/> Planning Board        |
| <input type="checkbox"/> Personnel Board                           | <input type="checkbox"/> Other _____                      |

EDUCATION/TRAINING: ENVIRONMENTAL LAWYER

RELATED EXPERIENCE (Including other Boards and Commissions) \_\_\_\_\_

Town Council; KCC Board + Planning;

Open Space Comm.

PRESENT EMPLOYMENT: N/A

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY ☒ Yes ☐ No

ANY KNOWN CONFLICT OF INTEREST: NO

REASON FOR APPLICATION TO THIS BOARD: interest in land use / planning

I HAVE ☒ / HAVE NOT ☐ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

M. Brock  
SIGNATURE OF APPLICANT

11/12/2014  
DATE



# TOWN OF KITTERY, MAINE

## TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904  
Telephone: (207) 475-1328 Fax: (207) 439-6806

Rec'd  
12/11/14  
KAR  
3:30  
P

### APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: Deborah Lynch (Deb)

RESIDENCE: 358 Haley Road, Kittery Point, ME 03905

MAILING (if different) \_\_\_\_\_

E-MAIL ADDRESS: deblynch@kw.com PHONE #: Cell 603-396-5401 (Work) \_\_\_\_\_  
(Home) \_\_\_\_\_

**Please check your choices and list in order of priority by marking 1,2,3, etc.:**

- |   |  |
|---|--|
| <input type="checkbox"/> Board of Appeals                       | <input type="checkbox"/> Board of Assessment Review              |
| <input type="checkbox"/> Conservation Commission                | <input type="checkbox"/> Mary Safford Wildes Trust               |
| <input type="checkbox"/> Cable Television Rate Regulation Board | <input type="checkbox"/> Shellfish Conservation Committee        |
| <input type="checkbox"/> Recycling Scholarship Selection Comm.  | <input type="checkbox"/> Community Center Bldg. Comm./Rec. Comm. |
| <input type="checkbox"/> Parks Commission                       | <input type="checkbox"/> Open Space Committee                    |
| <input type="checkbox"/> Port Authority                         | <input checked="" type="checkbox"/> Planning Board               |
| <input type="checkbox"/> Personnel Board                        | <input type="checkbox"/> Other _____                             |

EDUCATION/TRAINING: RW Traip Academy & Franklin Pierce University

RELATED EXPERIENCE (Including other Boards and Commissions) Realtor in ME & NH  
since 1990, Propert/Site Manager of sub-divisions, new contruction & condo-conversions

Currently on Board of Trustees at York Elks and previous Portsmouth Elks Trustee

PRESENT EMPLOYMENT: KW Commercial (Keller Williams Coastal Realty in Portsmouth)

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY ☒ Yes ☐ No

ANY KNOWN CONFLICT OF INTEREST: none

REASON FOR APPLICATION TO THIS BOARD: Get involved with the community

I HAVE ☐ HAVE NOT ☒ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Deborah J. Lynch  
SIGNATURE OF APPLICANT

12/7/2014  
DATE



2/03

**TOWN OF KITTERY**  
Office of the Town Clerk  
200 Rogers Road, Kittery, Maine 03904  
Telephone: (207) 475-1328 Fax: (207) 439-6806

APPLICATION FOR VICTUALERS, INNKEEPERS,  
AND LODGING HOUSE OPERATORS LICENSE

Applicant's name: B&Kittery LLC  
(please print)

Residence Address: 74 State Road, Suite 205 Kittery, ME 03904  
(please print)

Applicant's mailing address if different from above: 233 Western Ave, Essex MA 01829

Applicant's Date of Birth: 12/29/1979 Applicant's Home Telephone Number: 978 290-8187

Name of Business: The Farm Bar & Grill  
(please print)

Business Address: 57 State Rd. Kittery, ME 03904  
(please print)

Business Telephone Number: 207 475-0000

SIGNATURE OF APPLICANT: Ryan F. Cox DATE: 2/4/15

APPLICANT'S NAME: Ryan F. Cox  
(please print)

LICENSE FEE: \$ 50

FIRST TIME APPLICATIONS: \$50.00  
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE



## TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

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### REPORT TO TOWN COUNCIL

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Meeting Date: January 12, 2015  
 From: Cindy L. Saklad, Finance Director  
 Subject: Fire Truck Transfer - Repayments

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#### EXECUTIVE SUMMARY

The Fire Chief has questioned why the Fire Truck Reserve is making annual repayments to the Public Safety Impact Fee Account for the purchase of the Fire Truck. While researching this issue the Finance Director discovered other discrepancies in the Fire Truck Repayment schedule and needs guidance from the Council on resolving both issues.

#### BACKGROUND

At its March 29, 2010 meeting, Council voted to purchase a Fire Truck utilizing \$140,000 from the Fire Truck Reserve and Public Safety Impact Fee Accounts and borrowing \$516,440 from current designated funds. Repayment to the designated funds was to be reimbursed out of the annual Fire Department Reserve Appropriations. A copy of the motion is attached.

A Council approved motion on July 23, 2012 closed three (3) of designated accounts the Fire Truck Reserve was scheduled to re-pay. A copy of motion is attached.

#### FACTS BEARING ON THE EQUATION

The seven (7) year Fire Truck repayment schedule does not follow the motion. Specifically,

(1) The Fire Truck Reserve account contributed \$122,002, Public Safety Impact fees contributed \$20,992 and \$513,446 was borrowed from designated funds.

(2) The schedule includes repayments for Public Safety Impact Fees when none were required. To date the account has been repaid \$12,412 of the \$20,992 included as borrowed. A copy of the schedule, with explanations, is attached.

In its motion on July 23, 2012, Council closed three (3) of the designated accounts receiving repayments. Repayments totaling \$159,179.52 over the seven year term to the designated accounts closed was suspended.

(3) Two Capital Project Funds, Traffic Light Rte 236 MRTN (4039) and Pepperrell Road Drainage (4045) are over spent for a total of \$119,855.95.



**CURRENT SITUATION**

The Fire Truck Reserve account repaid a total of \$12,412.04 to the Public Safety Impact Fee account for the fiscal years FY11 through FY14. Payment for FY15 has not been made pending Council guidance.

Repayments to closed designated accounts totaling \$159,179.52 for the remaining 5 years of the payment schedule were suspended because the accounts were closed by a Council motion.

**PROPOSED SOLUTION/RECOMMENDATION**

The Finance Director proposes:

- (1) Transfer funds in the amount of \$12,412.04 from the Public Safety Impact Fees account 4030 to the Fire Truck Reserve account 4013;
- (2) Transfer funds in the amount of \$14,491.23 from the Fire Truck Reserve account 4013 to the Pepperrell Road Drainage account 4045 as repayment for a portion of the payments suspended. See Facts Bearing on the Equation section of this document;
- (3) Transfer funds in the amount of \$35,121.47 in FY 2015, FY 2016 and FY2017 from the Fire Truck Reserve account 4013 to the Traffic Light Rte 236 MRTN account 4039. See Facts Bearing on the Equation section of this document;
- (4) Transfer funds the amounts of \$19,661.84 in FY2016 and \$19,661.83 in FY2017 from the Fire Truck Reserve account 4013 to the Compensated Absences account 2022 to re-pay the remaining amount borrowed. See Facts Bearing on the Equation Section of this document.

**RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)**

The transfer from the Public Safety Impact Fees account to the Fire Truck Reserve will correct the error in the repayment schedule. There is no cost associated with this solution.

The transfer from the Fire Truck Reserve account to the Pepperrell Road Drainage account will avoid the necessity of funding the shortfall in that account by CIP funds or an appropriation from Undesignated Surplus. There is no cost associated with this solution.

The transfer of three (3) annual payments from the Fire Truck Reserve account to the Traffic Light Rt 236 MRTN account will avoid the necessity of funding the shortfall in that account by CIP funds or an appropriation from Undesignated Surplus. There is no cost to this solution.

The transfer of the remaining amount of \$39,323.67 will supplement the balance of funds in the Compensated Absences account for future use.

APPROVED MINUTES  
MARCH 29, 2010  
KITTERY TOWN COUNCIL  
SPECIAL MEETING

March 29, 2010  
6:00 P.M.

Council Chambers

1. CALL TO ORDER

Chairperson Judith Spiller called the meeting to order at 6:00 p.m.

2. INTRODUCTORY

Chairperson Spiller read the Introductory.

3. PLEDGE OF ALLEGIANCE

The Chair led those present in the Pledge of Allegiance.

4. ROLL CALL

Answering the roll were Chairperson Judith Spiller, Vice Chair George Dow, Councilors Gary Beers, Frank Dennett, Jeffrey Thomson, Jeffrey Pelletier and Jeffery Brake. Also present were Town Manager Jonathan Carter, Town Clerk Maryann Place, Recorder Ashley Rodier, members of the press and others.

5. PUBLIC HEARING

a. (030310-1) *THE KITTERY TOWN COUNCIL MOVES TO HOLD A PUBLIC HEARING ON AN ORDINANCE AUTHORIZING THE TOWN OF KITTERY TO LEASE PURCHASE A FIRE TRUCK*

Chairperson Spiller noted that notice of this hearing was advertised in the Portsmouth Herald on March 19, 2010. Chairperson Spiller stated that the Fire Department currently had a 1983 pumper that needed in excess of \$30,000.00 in repairs and Chief O'Brien had proposed that the town purchase a pumper and ladder truck combination and if they moved quickly they would be able to buy a demonstration model with a full warranty. She continued it was a question of if the town should buy the truck now and save the money on repairs to the old pumper truck or should they wait and purchase a new truck in a couple of years. Chairperson Spiller indicated that this consideration was recommended by the Capital Improvement Committee. Town Manager Carter stated this had been reviewed by the town's bond counsel and it would utilize \$140,000.00 from the fire truck reserve account which was made up of \$122,000.00 from the reserve and from the public safety impact fee with the balance to make a \$140,000.00 deposit with the balance to be on a lease purchase arrangement with Ocean National Bank at 3.75% over 7 years. Chief O'Brien stated that the proposal had the blessing of the town manager and the CIP Committee. He continued that Engine 2, the 1983 pumper, was in need of replacement for a

APPROVED MINUTES

MARCH 29, 2010

not see spending in excess of \$30,000.00 to fix the pumper truck. Councilor Dennett asked if the proposed question on the ballot would be to allow Council to make agreements whether it was to lease purchase or take the money out of a surplus and asked how much leeway Councilor Thomson would expect to be involved in the question. Councilor Thomson responded that it was his thought was if his motion prevailed that later that evening or at a subsequent workshop they would make that decision.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT, COUNCILOR BRAKE, COUNCILOR DOW, COUNCILOR BRAKE, COUNCILOR PELLETIER AND CHAIRPERSON SPILLER OPPOSED. MOTION FAILS 1/6.

COUNCILOR BEERS MOVED THAT THE TOWN OF KITTEERY PURCHASE A 2008 PIERCE QUINT FIRE APPARATUS WITH ARROW XT CHASSIS, 75' HEAVY DUTY ALUMINUM LADDER WITH PIERCE ULTIMATE CONFIGURATION UTILIZING THE \$140,000.00 DESIGNATED RESERVE FUNDS HELD BY THE FIRE DEPARTMENT AND CURRENT DESIGNATED FUNDS IN THE AMOUNT OF \$516,440.00 TO BE REIMBURSED OUT OF ANNUAL FIRE DEPARTMENT DESIGNATED RESERVE APPROPRIATIONS IN THE FUTURE, SECONDED BY CHAIRPERSON SPILLER.

Councilor Thomson asked Town Manager Carter asked what implications it would have on the departments that had the reserve accounts currently. Town Manager Carter responded that presently there was just under \$5,000,000.00 and it would not be detrimental. Town Manager Carter noted that it would preclude the town from being able to invest for a length of time and now that the interest rates were low it did not matter because they were not making much. Town Manager Carter stated that if they went with purchasing outright it would save about \$90,000.00 in interest from the lease purchase agreement.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DOW OPPOSED. MOTION PASSES 6/1.

6. Discussion by the public (three minutes per person)

There was none.

7. ADJOURNMENT

COUNCILOR PELLETIER MADE A MOTION TO ADJOURN, SECONDED BY DOW, WITH ALL IN FAVOR.

MEETING ADJOURNED: 7:03 P.M.

# Fire Truck Repmt Proposal

Repayments Scheduled for:	#	Object	FY 10	FY 16	FY 17	Balance Due
Fire Station/Rec Field	4004	43580	4,219.84			4,219.84
Remove Archited Barriers	4028	43580	84,523.48			84,523.48
Traffic Light Rt 236 MCN	4038	43580	70,436.20			70,436.20
Total Scheduled Payments			159,179.52			159,179.52
Schedule for repayment of:						
Compensated Absences	2022	43580		(19,661.84)	(19,661.83)	(39,323.67)
Traffic Light Rt 236 MRTN	4039	43580	(35,121.47)	(35,121.57)	(35,121.58)	(105,364.62)
Pepperrell Road Drainage	4045	43580	(14,491.23)			(14,491.23)
Total Repayments			109,566.82			(159,179.52)



APPROVED MINUTES

7-23-12

2.07(3), 2.14 AND 6.10, HEREBY ORDAIN AN ORDINANCE BASED UPON A WRITTEN REQUEST BY THE TOWN MANAGER TO RECONCILE VARIOUS CAPITAL PROGRAMS AND SPECIAL REVENUE DEDICATED RESERVE ACCOUNTS IN ACCORDANCE WITH TOWN CHARTER SECTION 6.09(4), AS PRESENTED, AND TRANSFER REMAINING FUNDS IN THE AMOUNT OF \$124,961 TO THE SPECIAL RESERVE ACCOUNT #750, COMPENSATED ABSENCES, SECONDED BY COUNCILOR PELLETIER.

Town Manager Markel went through all of the accounts that were going to be closed, transferred, consolidated, renamed or opened.

COUNCILOR BEERS MOVED TO AMEND THE MAIN MOTION TO ADD AFTER THE WORDS AS PRESENTED, CAPITAL PROJECTS AND SPECIAL REVENUE ACCOUNT S #304, 305, 614, 621, 622, 627, 630, 714, 724, 725, 726, 730, 742, 749, 770, 812, 818, 275, 612, 615, 640, 645, 712, 743, 744, 745, 747, 748, 752, 753, 754, 757, 759, 763, 765, 771, 775, 776, 777, 782, 791, 798 BE CLOSED AND ALL RESIDUAL FUNDS TO BE TRANSFERRED TO ACCOUNT #750, COMPENSATED BALANCES, SECONDED BY COUNCILOR THOMSON.

A ROLL CALL WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

A ROLL CALL WAS TAKEN ON THE MAIN MOTION WITH ALL IN FAVOR. MOTION PASSES 5/0.

COUNCILOR BEERS MOVED TO TRANSFER FUNDS FROM ACCOUNT #750, COMPENSATED BALANCES, TO OFFSET DEFICITS AND THEN CLOSE THE FOLLOWING ACCOUNTS: #720, 721, 722, 728, 746, 762, 772, 774, 780, 799 WITH TRANSFERS TOTALING \$41,832 AND TO TRANSFER FUNDS FROM ACCOUNT #750, COMPENSATED BALANCES TO OFFSET DEFICITS IN THE AMOUNT OF \$23,051 IN ACCOUNTS #740 AND 795 WHICH WILL REMAIN OPEN; AND TO TRANSFER SPECIAL REVENUE ACCOUNTS #761, 790 AND 794 TO CAPITAL PROJECTS AND TRANSFER CAPITAL PROJECTS ACCOUNTS #618 AND 723 TO SPECIAL REVENUE, AND TO TRANSFER CAPITAL PROJECTS ACCOUNT #792 TO PERMANENT FUNDS; AND TO CONSOLIDATE ACCOUNT #742 INTO ACCOUNT #617; AND TO RENAME ACCOUNTS #306, 313, 613, 729, 604 AND 611 AS RECOMMENDED BY THE TOWN MANAGER; AND TO CREATE A NEW ACCOUNT #820 FOR THE BIG PROJECT GRANT MATCH ACCOUNT, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 5/0.

[illegible]

FEB 12 2015  
 BY:

**Mary Ann Place**  
*Town Clerk*  
Town of Kittery  
200 Rogers Road  
Kittery, ME 03904

RE: Planning Board membership

Dear Mary Ann,

This letter will serve notice of my intention to resign from the Town of Kittery Planning Board effective immediately. I understand there are some potential conflict of interest issues with my representation of applicants before the Board despite my recusal from consideration in those matters. As I am contractually obligated to provide representation to my clients, I feel this is the best course of action at this time.

I have enjoyed my time on the Board and intend to continue my involvement with the Town as a member of the Economic Development Committee.

Regards,

Thomas Battcock. Emerson

cc: Nancy Colbert Puff, Town Manger, Town of Kittery  
Christopher DeMatteo, Town Planner, Town of Kittery  
Ann Grinnell, Chair, Kittery Planning Board



Department of Public Safety  
Liquor Licensing & Inspection  
Division



**BUREAU USE ONLY**

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>B/N Kittery LLC</u> DOB: <u>1/5/15</u>		<b>2. Business Name (D/B/A)</b> <u>The FARM BAR &amp; GRILLE</u>	
DOB:			
DOB:		Location (Street Address) <u>57 State rd.</u>	
Address <u>24 State road Suite 205</u>		City/Town <u>Kittery</u>	State <u>ME</u>
		Zip Code <u>03904</u>	
City/Town <u>Kittery</u>		Mailing Address <u>SAME</u>	
State <u>ME</u>	Zip Code <u>03904</u>	City/Town	State
Telephone Number <u>978 290-8187</u>	Fax Number	Business Telephone Number <u>207 495-0880</u>	Fax Number
Federal I.D. # <u>47-2655201</u>		Seller Certificate #	

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
7. If manager is to be employed, give name: \_\_\_\_\_
8. If business is NEW or under new ownership, indicate starting date: March 1, 2015  
Requested inspection date: 2/25/15 Business hours: 11am - 1am
9. Business records are located at: 57 State rd. Kittery, ME 03904
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☐ NO ☒

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Ryan F Cox	12/29/79	Boston MA
Bradley Atkinson	7/4/82	Beverly MA
Noah Goldstein	6/28/81	Boston MA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Ryan - Essex MA	Bradley - Essex, Wenham MA, Manchester NH	
Noah - Wakefield MA, Hooksett NH		

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Jim Spencer  
57 State Rd. Kittery ME 03904

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Bar room, dining room  
Patio (seasonal)

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☐ NO ☒ Applied for: 2.5.15

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.3 miles Which of the above is nearest? Church of Christ

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME on February 5, 2015  
Town/City, State Date

Please sign in blue ink

Bradley Atkinson  
Signature of Applicant or Corporate Officer(s)  
Print Name

Ryan F. Cox  
Signature of Applicant or Corporate Officer(s)  
Print Name



**State of Maine**  
Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement

For Office Use Only:

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

**Supplemental Information Required for  
Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name:

BANKITRY, LLC

2. Other business name for your entity (DBA), if any:

THE FARM BAR & GRILLE

3. Date of filing with the Secretary of State: \_\_\_\_\_

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Ryan Cox	Essex MA	12/29/79	33%
Bradley Atkinson	Essex, Wenham, MA - Manchester NH	7/4/82	33%
Noah Goldstein	Wakefield MA / Hooksett NH	6/28/81	33%

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_

Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes

☐

No

☒

10. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature:

Ryan F. Cox  
Signature of Duly Authorized Person

2/5/15  
Date

Ryan F. Cox  
Print Name of Duly Authorized Person

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Submit Completed Forms To: Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
164 State House Station  
Augusta, Me 04333-0101  
Telephone Inquiries: (207) 624-7220

# MAINE DEPT OF PUBLIC SAFETY

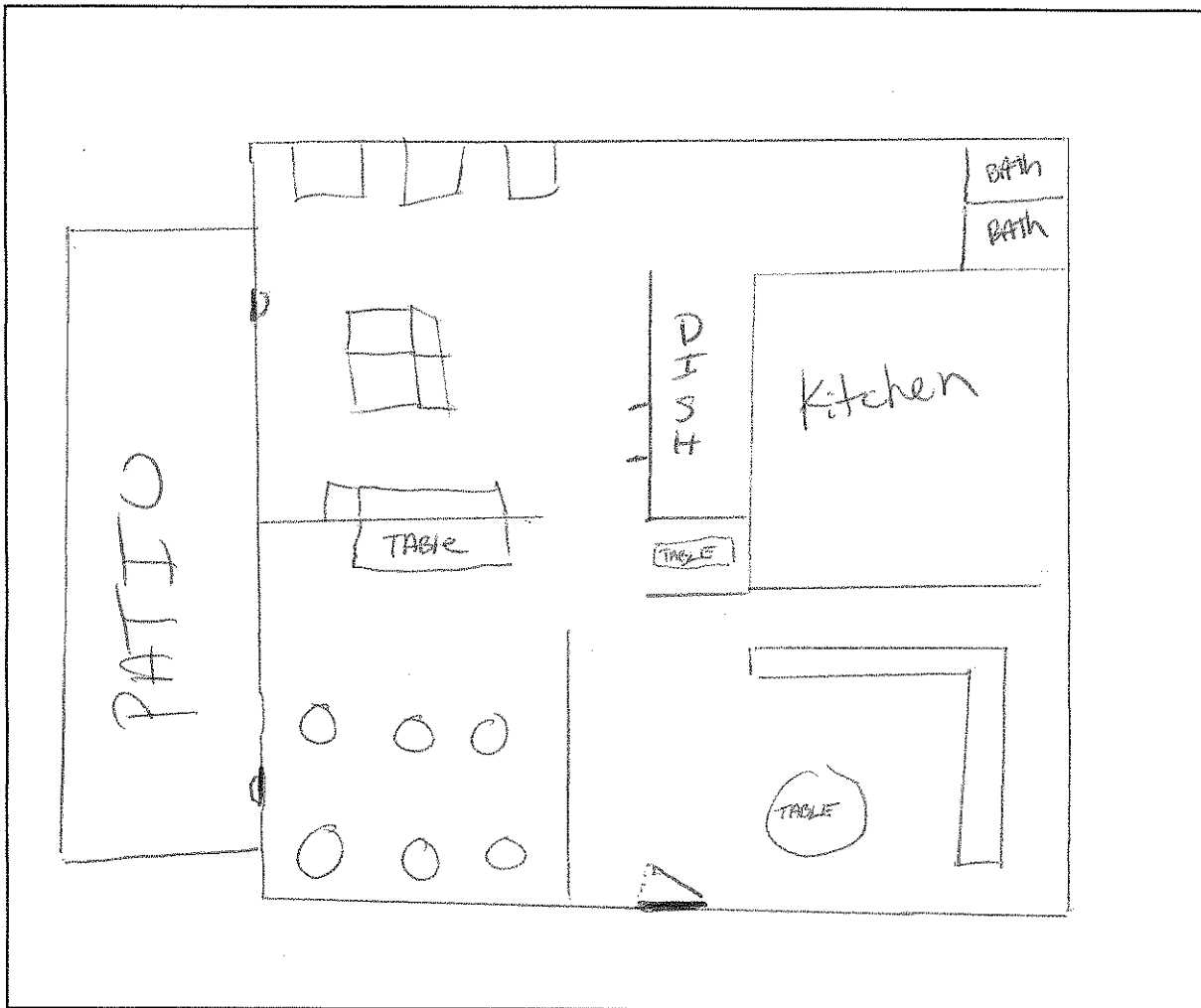
STATE OF MAINE  
*Liquor Licensing & Inspection Division*  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.



STATE OF MAINE

Dated at: Kittery, Maine York SS  
 City/Town (County)  
 On: \_\_\_\_\_  
 Date

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the  
☐ City ☒ Town ☐ Plantation ☐ Unincorporated Place of: Kittery, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approved said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A §4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A §4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all license requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.
- An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

## NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

### FEE SCHEDULE

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	
<b>FILING FEE</b> .....		\$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
164 STATE HOUSE STATION  
AUGUSTA, ME 04333-0164



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.  
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES 3-9-15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV)
- ☐ HOTEL-OPTINONAL FOOD (Class I-A)
- ☐ CLASS A LOUNGE (Class X)
- ☐ CLUB (Class V)
- ☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)
- ☐ HOTEL (Class I,II,III,IV)
- ☐ CLUB-ON PREMISE CATERING (Class I)
- ☐ GOLF CLUB (Class I,II,III,IV)
- ☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, <u>Corporation</u> , Limited Liability Co., etc.) <u>LOCO COCO'S TACOS CORP</u>		2. Business Name (D/B/A) <u>Loco Coco's Tacos</u>	
DOB:		<u>36 Walker St</u>	
DOB:		Location (Street Address)	
DOB:		<u>Kittery</u>	<u>ME</u>
Address		City/Town	State
<u>36 Walker St</u>		<u>36 Walker St</u>	<u>03904</u>
City/Town		State	Zip Code
<u>Kittery</u>	<u>ME</u>	<u>03904</u>	<u>03904</u>
Telephone Number	Fax Number	Business Telephone Number	Fax Number
<u>(207) 438-9322</u>	<u>(207) 438-9322</u>	<u>(207) 438-9322</u>	<u>(207) 438-9322</u>
Federal I.D. # <u>20-1162173</u>		Seller Certificate #	

- 3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
- 4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 1508,208.50 LIQUOR \$ 293,107.20
- 5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
- complete Supplementary Questionnaire, If YES
- 6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
- 7. If manager is to be employed, give name: JAMI SCARDINA
- 8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_
- Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
- 9. Business records are located at: 36 Walker St. Kittery, ME 03904



10. s/are applicants(s) citizens of the United States?

YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
LUIS A VALDEZ / RAMONA G VALDEZ	1-26-1966	MEXICO
Jami ROSE SCARDINA	8-29-1956	MAINE
Natasha Danielle Millar-Shea	10-7-1976	New Hampshire, USA
	2-7-1985	California, USA
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Kittery, MAINE		

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Self-service area, cantina, full-service dining room, enclosed porch Mexican Restaurant

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☒ NO ☐ Applied for: Mexican Restaurant

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/2 mile Which of the above is nearest? church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: Mortgage at Kennebunk Savings Bank

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, ME on Dec 8, 2014, 20\_\_\_\_  
Town/City, State Date

Ramona Valdez  
Signature of Applicant or Corporate Officer(s)

RAMONA VALDEZ  
Print Name

Please sign in blue ink

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Print Name



**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and Enforcement**

**For Office Use Only:**

License #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

**Supplemental Information Required for  
Business Entities Who Are Licensees**

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752. Please clearly complete this form in its entirety.

1. Exact legal name:

LOCO COCO'S TACOS CORP

2. Other business name for your entity (DBA), if any:

LOCO COCO'S TACOS

3. Date of filing with the Secretary of State: May 18, 2004

4. State in which you are formed: Maine

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
LUIS VALDEZ	150 Whipple Ave Kennebunk	1-26-66	60
	15 Eliot Shores Lane Eliot		
RAMONA VALDEZ	15 Eliot Shores Lane Eliot	8-29-56	40

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes

☐

No

☒

10. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_


Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature:

  
\_\_\_\_\_  
Signature of Duly Authorized Person

Dec 08, 2014  
\_\_\_\_\_  
Date

Luis A. Valde  
\_\_\_\_\_  
Print Name of Duly Authorized Person

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Submit Completed Forms To: Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
164 State House Station  
Augusta, Me 04333-0101  
Telephone Inquiries: (207) 624-7220



**STATE OF MAINE**

Dated at: Kittery, Maine York ss  
City/Town (County)  
 On: 2/23/15  
Date

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the  
☐ City ☒ Town ☐ Plantation ☐ Unincorporated Place of: Kittery, Maine  
 Hereby certify that we ~~have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.~~

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

**§ 653. Hearings; bureau review; appeal**

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.  
 An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

## NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

### THIS APPROVAL EXPIRES IN 60 DAYS.

#### FEE SCHEDULE

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	
<b>FILING FEE</b>	.....	\$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 164 State House Station, Augusta ME 04333-0164. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

## PURCHASE & SALE AGREEMENT

**THIS AGREEMENT** is made by and between the **Maine Turnpike Authority**, with a mailing address of 2360 Congress Street, Portland, Maine 04102 (the Seller) and the **Inhabitants of the Town of Kittery**, York County, Maine, with a mailing address of 200 Rogers Road, Kittery, Maine 03904 (the Buyer).

In consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

1. **Real Estate:** The Seller agrees to sell and the Buyer agrees to purchase from the Seller for the price and upon the terms and conditions hereafter stated a certain lot or parcel of land located at the end of Manson Road in the Town of Kittery, County of York and State of Maine, and being shown on plan entitled "Proposed Manson Road Pump Station" attached hereto and made a part hereof, and being a portion of the premises described in the deed recorded in the York Registry of Deeds in Book 16958, Page 546.

2. **Purchase Price:** The Buyer agrees to pay to the Seller as the total purchase price the sum of \$1,500.00 to be paid by the Buyer to the Seller by escrow check or cleared funds transfer as follows:

- A. \$10.00 shall be delivered to Buyer's attorney, McEachern & Thornhill of Kittery, Maine within three business days of the effective date of this Agreement to be held in escrow pending the closing.
- B. The balance of the purchase price, \$1,490.00, shall be delivered by Buyer to Seller in cleared funds or certified or cashier's check at the time of closing.

3. **Closing:** This transaction shall be closed on or before February \_\_\_, 2015. The closing date may be extended by agreement between the parties. The closing shall take place at the office of the Buyer's closing agent or such other location as may be agreed between the parties. The exact time and date of closing will be agreed upon by Buyer and Seller.

4. **Risk of Loss:** Seller assumes the risk of loss or damage to the Premises until closing. Should any portion of the Premises be damaged or destroyed or become subject to condemnation or eminent domain, then Buyer may elect to terminate this agreement or they may elect to accept any insurance or condemnation proceeds as may be offered by Seller to Buyer and to proceed with the closing.

5. **Deed and Title:** Seller shall convey to Buyer a good and marketable title, free and clear of encumbrances, except utility easements, if any, servicing the Premises, other easements or restrictions of record, if any, that do not adversely affect the use and enjoyment of the Premises and the encumbrances described or referred to, if any, in Seller's deed, by Warranty Deed delivered at closing. Should Seller's title prove unmarketable, then Seller shall make a good faith effort to correct such unmarketability within thirty days from the date Seller receives written notice of such title issue.

from Buyer, in which case the closing date shall be extended until the title issue is corrected. If Seller fails to correct the title issue within the time limit, and so notifies Buyer, thence Buyer, at Buyer's option, may either terminate this Agreement without recourse to either party (other than return of the Deposit), or Buyer may accept the unmarketability and close.

6. **Restriction on Use:** Buyer agrees that the Property shall be used for municipal purposes and that the deed of conveyance shall contain a "reverter clause" whereby all right, title and interest in the Property shall revert to the Seller in the event that:

- a.) The Buyer conveys the Property to a person or entity other than Seller; or
- b.) The Property is used other than for municipal purposes;

7. **Possession and Access:** Buyer shall have reasonable access to the Premises prior to closing, upon reasonable notice to Seller, for any purposes necessary or convenient to Buyer.

8. **Property Taxes:** Not Applicable.

9. **Default:** If Seller or Buyer fail to meet their obligations under this Agreement, both parties shall have all available legal and equitable remedies available to them, including the Buyer's right of specific performance.

10. **Underground Oil Tanks, Etc.:** Seller represents that there are no underground oil storage facilities or hazardous materials, as defined in applicable law, located, stored, or used on the Premises.

11. **Real Estate Broker:** Seller and Buyer each represent and warrant to the other that there are no real estate agents or brokers involved in this transaction, nor is there any commission due to any person on the sale of this property.

11. **Miscellaneous:** This Agreement shall be governed by Maine law, and shall be binding on and for the benefit of all parties, their respective heirs, successors, and assigns. This Agreement may be executed in counterparts and facsimile signatures shall be treated as an original.

12. **Legal Advice:** Seller and Buyer acknowledge that this is a legal document that creates binding obligations and that the parties have had an opportunity to consult with legal counsel before entering into this Agreement.

13. **Effective Date:** Seller and Buyer have signed this Agreement, the Effective Date of this Agreement being the date following the Seller's signature below.

**Buyer:**

The Inhabitants of the Town of Kittery

By: \_\_\_\_\_  
Nancy Colbert Puff, Town Manager

Dated: \_\_\_\_\_



**Seller:**

Maine Turnpike Authority

By: \_\_\_\_\_

John D. Roberts, Right of Way Manager

Dated: \_\_\_\_\_

dwt\kittery sewer p&s